

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL R. GARRETT,

Plaintiff,

v.

Case Number 11-10401
Honorable David M. Lawson

UNITED STATES OF AMERICA, and
JOHN DOE 1, 2, and 3, unknown federal
agents,

Defendants.

ORDER DENYING PLAINTIFF'S MOTIONS FOR A MORE DEFINITE STATEMENT

Presently before the Court are two documents filed by the plaintiff entitled "Motion for a More Definite Statement." The documents appear to be identical and request more information about why his complaint was dismissed.

A motion for a more definite statement is governed by Federal Rule of Civil Procedure 12(e), which provides that "[a] party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response." Fed. R. Civ. P. 12(e). In general, a motion of this type is filed by a defendant and requests clarification of a pleading, such as a complaint, filed by the plaintiff. *Cf. Goad v. Mitchell*, 297 F.3d 497, 504 (6th Cir. 2002); *Does v. Shalushi*, No. 10-11837, 2010 WL 3037789 (E.D. Mich. July 30, 2010). It is not the appropriate procedural form for a request by the plaintiff seeking clarification of a Court's order. In addition, the Court's order granting the motion for reconsideration, reopening the case, and granting the plaintiff leave to amend the complaint is not a "pleading to which a responsive pleading is allowed." Fed. R. Civ. P. 12(e). Such pleadings are limited to "a complaint; . . . an answer; . . . an answer to a counterclaim designated as a

counterclaim; . . . an answer to a crossclaim; . . . a third-party complaint; . . . an answer to a third party complaint; and . . . if the court orders one, a reply to an answer.” Fed. R. Civ. P. 7(a); *see also* Fed. R. Civ. P. 12(a). The court’s order does not fall into any of these categories and the language granting leave to file an amended complaint does not contemplate a response in the manner addressed by the Federal Rules of Civil Procedure. Since the plaintiff’s motion is inappropriate for obtaining the relief he requests, the Court will deny the motions.

Accordingly, it is **ORDERED** that the plaintiff’s motions for a more definite statement [dkt #10 & 11] are **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 22, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 22, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL